



Cleveland Board of Zoning Appeals

Monday August 22, 2022

**** PLEASE MUTE YOUR MICROPHONE ****

Kelley Britt, Board Chair

Elizabeth Kukla, Secretary

Cleveland Board of Zoning Appeals

August 22, 2022

Preamble

IN COMPLIANCE WITH NOTIFICATION REQUIREMENTS OF THE CITY'S OPEN MEETING LAW, AND SECTION 101.021 OF THE CODIFIED ORDINANCES OF CLEVELAND, OHIO, 1976, NOTICE OF THIS MEETING HAS BEEN PUBLICLY POSTED.

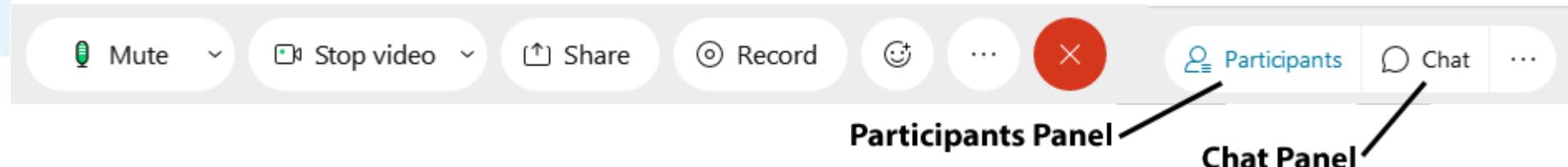
ALL BOARDS AND COMMISSIONS UNDER THE PURVIEW OF THE CITY PLANNING DEPARTMENT CONDUCTS ITS MEETINGS ACCORDING TO ROBERT'S RULES OF ORDER. ACTIONS DURING THE MEETING WILL BE TAKEN BY VOICE VOTE. ABSTENTIONS FROM ANY VOTE DUE TO A CONFLICT OF INTEREST SHOULD BE STATED FOR THE RECORD PRIOR TO THE TAKING OF ANY VOTE.

IN ORDER TO ENSURE THAT EVERYONE PARTICIPATING IN THE MEETING HAVE THE OPPORTUNITY TO BE HEARD, WE ASK THAT YOU USE THE RAISE HAND FEATURE BEFORE ASKING A QUESTION OR MAKING A COMMENT. THE RAISE HAND FEATURE CAN BE FOUND IN THE PARTICIPANTS PANEL ON THE DESKTOP AND MOBILE VERSION AND ACTIVATED BY CLICKING THE HAND ICON. PLEASE WAIT FOR THE CHAIR OR FACILITATOR TO RECOGNIZE YOU AND BE SURE TO SELECT UNMUTE AND ANNOUNCE YOURSELF BEFORE YOU SPEAK. WHEN FINISHED SPEAKING, PLEASE LOWER YOUR HAND BY CLICKING ON THE RAISE HAND ICON AGAIN AND MUTE YOUR MICROPHONE.

WE WILL ALSO BE UTILIZING THE CHAT FEATURE TO COMMUNICATE WITH PARTICIPANTS. THE CHAT FEATURE CAN BE ACTIVATED BY CLICKING THE CHAT BUTTON LOCATED ON THE BOTTOM OF THE WEBEX SCREEN.



CALL-IN USERS CAN UNMUTE BY USING *6



Cleveland Board of Zoning Appeals

August 22, 2022

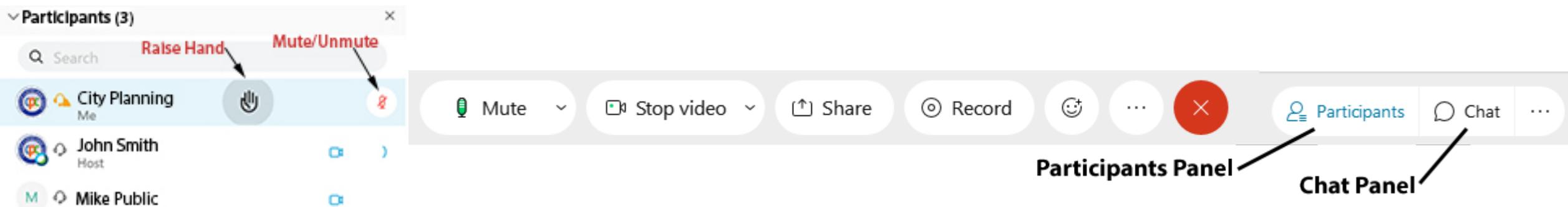
Preamble

ALL MEETING ACTIVITY IS BEING RECORDED VIA THE WEBEX PLATFORM.
THESE PROCEEDINGS ARE ALSO BEING LIVE STREAMED VIA YOUTUBE FOR PUBLIC VIEW.

WE HAVE PROVIDED A LINK TO THE MEETING FOR THOSE WHO WISH TO SPEAK ON A PARTICULAR CASE VIA OUR WEBSITE AND EMAIL.

ALL REQUESTS TO SPEAK ON A PARTICULAR MATTER HAVE BEEN CONSIDERED.

WE HAVE ALSO RECEIVED EMAILS FROM THOSE WHO HAVE PROVIDED WRITTEN COMMENT ON A PARTICULAR MATTER.



Cleveland Board of Zoning Appeals

Call to Order & Roll Call



Cleveland Board of Zoning Appeals

Postponements/Withdrawals





NONE TODAY

Cleveland Board of Zoning Appeals

Public Hearing



Public Hearing



Calendar No. 22-139:

3081 West 14 St.

Ward 3

Anthony Tuleta, owner, proposes to install 104 linear feet of six foot high wood fence, and 102 linear feet of four foot high wood fence in a K2 Limited Retail Business. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 358.05(a)(2) which states in Non-Residential Districts other than General and Unrestricted Industry Districts, fence in actual front yards and in side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open above two (2) feet in height. Opaque fence at heights of four feet and six feet are proposed in actual front yard and side street yard.



Public Hearing

Calendar No. 22-139:

3081 West 14 St.

Ward 3



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

**Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.**



HISTORY OF THE PROPERTY





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting area variances from the fencing regulations of the zoning code.

To obtain the area variances, Appellant must prove that denying the request:

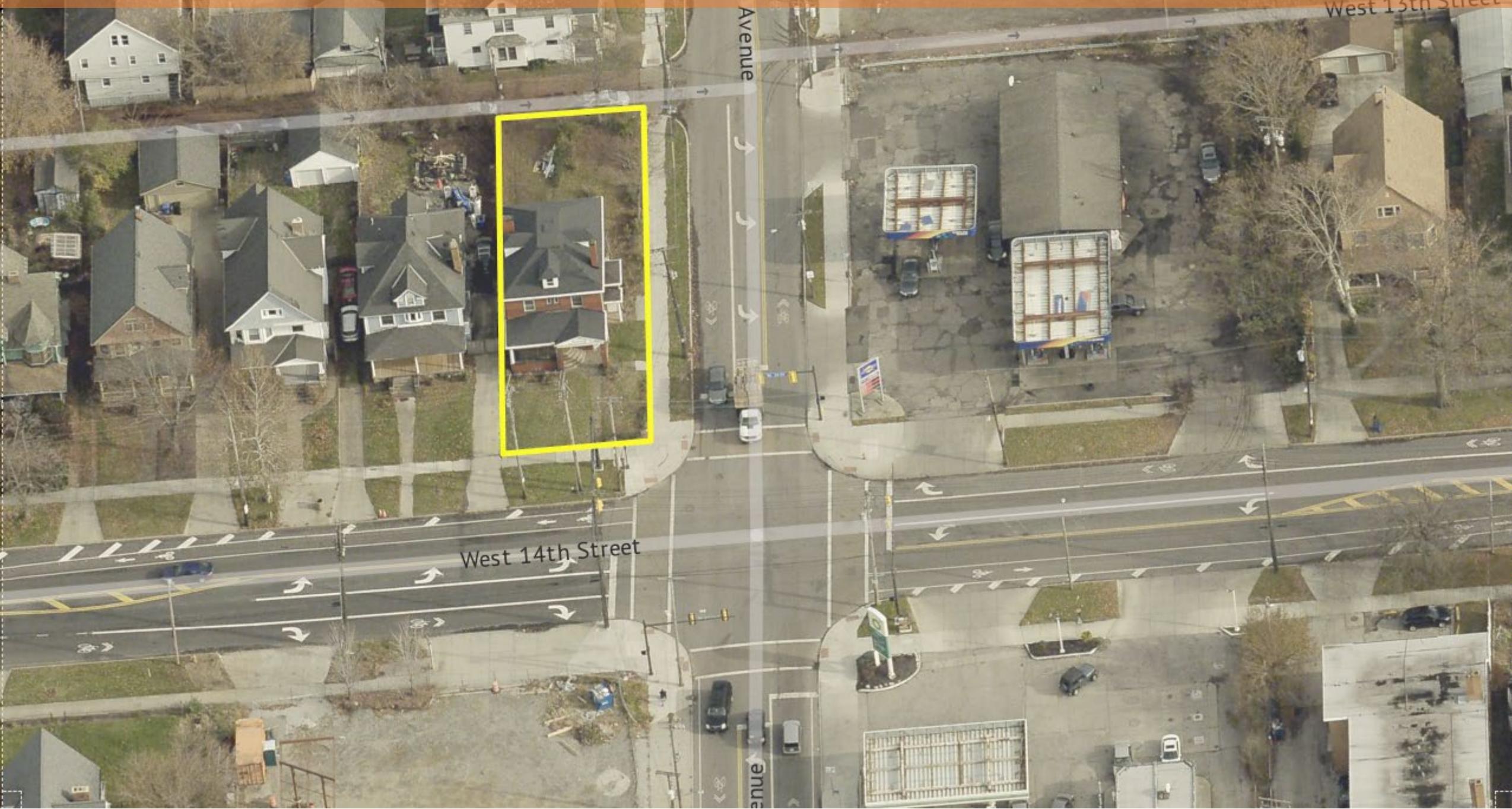
1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variances will not be contrary to the purpose and intent of the zoning code.

Calendar No. 22-139:

3081 West 14 St.

Ward 3



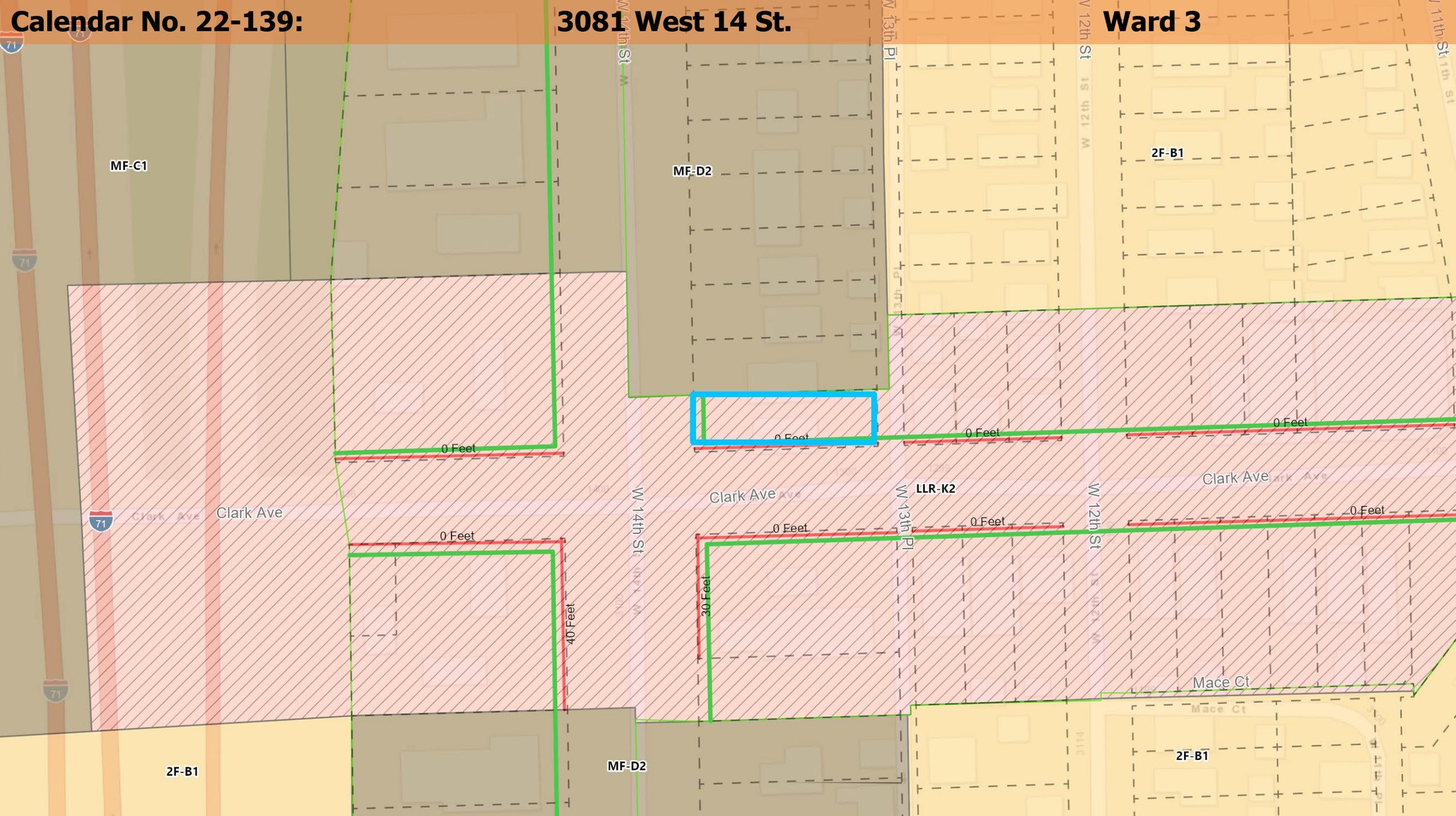


West 13th Street

Avenue

West 14th Street

avenue



MF-C1

MF-D2

2F-B1



LLR-K2

2F-B1

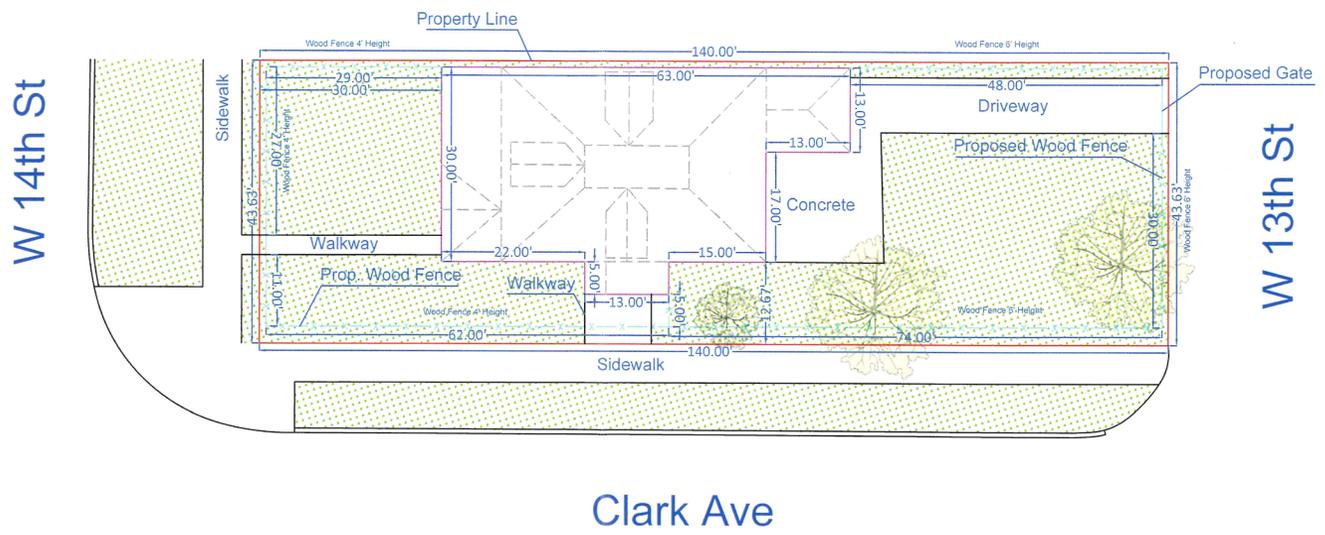
MF-D2

2F-B1

BZA22-00139



RECEIVED
JUL 19 2022
RD/BD
ZONING APPEALS



3081 W 14th St
Cleveland, OH 44113
Scale: 1"=20'

Public Hearing



Calendar No. 22-141:

2117 W. 33rd St.

Ward 3

Jasmine O'Reilly, owner, proposes to construct a two story home addition and new garage with recreational room above in a B1 Two-Family Residential. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09 which states that the building minimum distance to a property shall be 3 feet where 2 feet and 2 feet 7 inches are proposed. This section also states that the minimum distance between main buildings on adjoining lots shall be 6 feet and the building on the adjacent lot is approximately 3 feet 9 inches away.



Public Hearing

Calendar No. 22-141:

2117 W. 33rd St.

Ward 3



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IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

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HISTORY OF THE PROPERTY





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting area variances from the minimum distance regulations of the zoning code.

To obtain the area variances, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variances will not be contrary to the purpose and intent of the zoning code.



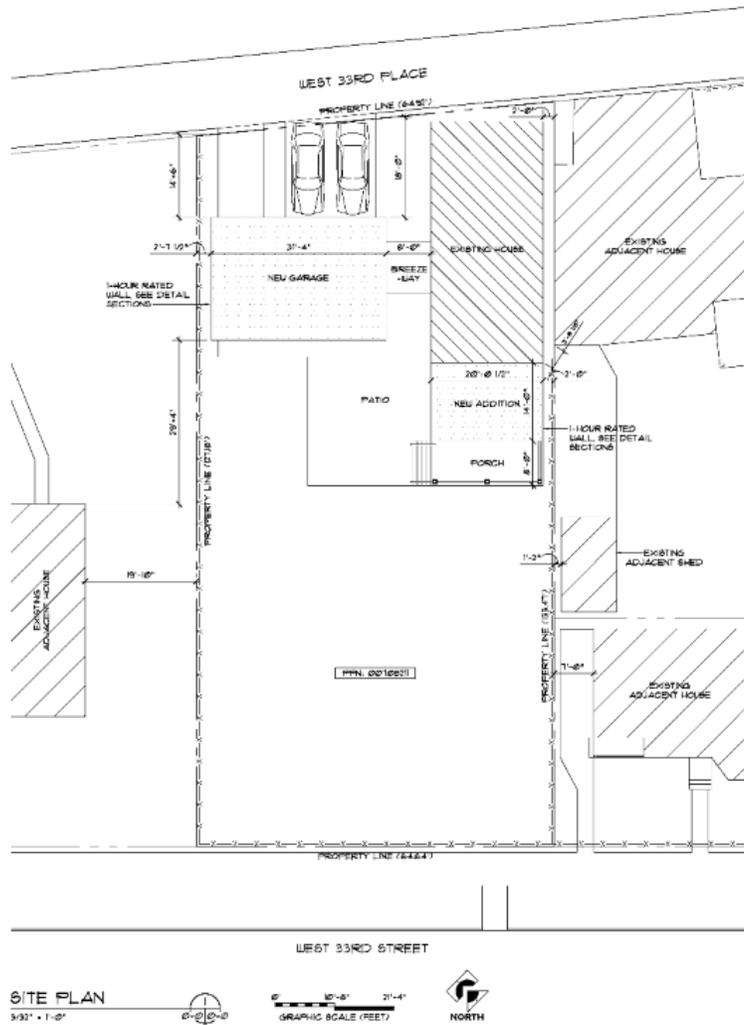


West 33rd Place

Chatham Avenue

West 33rd Street

2117 WEST 33RD STREET



SITE PLAN
5/31 • 1:0"



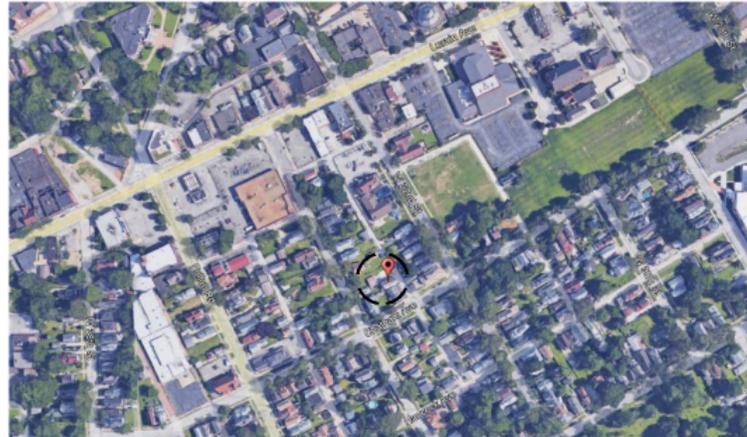
GRAPHIC SCALE (FEET)
0 7'-0" 14'-0" 21'-0"



- ZONING CODE NOTES:**
- 393.04 (1) - THE MINIMUM LOT AREA FOR A SINGLE FAMILY DWELLING IN A 'R1' AREA DISTRICT IS 4800 SF. LOT AREA IS APPROXIMATELY 8346 SF. BUILDING FOOTPRINT IS APPROXIMATELY 1835 SF.
 - MAXIMUM GROSS FLOOR AREA IN A 'R1' AREA DISTRICT SHALL NOT EXCEED 1/2 THE LOT AREA. COMBINED GFA OF ALL BUILDINGS TOTALS 4275 GFA.
 - 39.166 - DEPTH OF REQUIRED REAR YARD SHALL BE NOT LESS THAN THE HEIGHT OF THE MAIN BUILDING. BUILDING HEIGHT: 103'-11". PROPOSED REAR YARD: 8'-6 1/2".
 - 39.169 (b) (3) C - IN A TWO-FAMILY (2F) DISTRICT NO INTERIOR SIDE YARD, AND IN ANY USE DISTRICT NO INTERIOR SIDE YARD ON A LOT OCCUPIED BY A DWELLING HOUSE SHALL BE LESS THAN (1) FEET IN WIDTH FOR A CORNER LOT, NOR LESS THAN (3) FEET IN WIDTH FOR AN INTERIOR LOT, NOR SHALL THE AGGREGATE WIDTH OF SIDE YARDS ON THE SAME PREMISES BE LESS THAN (10) FEET. HOWEVER THE WIDTH OF ANY SUCH INTERIOR SIDE YARD SHALL IN NO CASE BE LESS THAN ONE-FOURTH (1/4) THE HEIGHT OF THE MAIN BUILDING ON THE PREMISES. BUILDING MAIN HEIGHT IS APPROXIMATELY 28'-3". THIS NO INTERIOR SIDE YARD SHALL BE LESS THAN 18'-4". PROPOSED SIDE YARDS ARE 2'-0" (3462 (b)). CITY PLANNING APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.



RENDER OF MATERIALS
NTA



SITE LOCATION MAP
NTA

ISSUE	DATE	DESCRIPTION
1	04.21.22	zoning review
2	8.11.22	SZA HEARING



PAUL R. BEEGAN LICENSE #12574
EXPIRATION DATE: 12.31.2023

BEEGAN
ARCHITECTURAL DESIGN

15703 MADISON AVENUE 216.521.9000 PHONE
LAKEWOOD, OHIO 44107 216.916.4591 FAX
WWW.BEEGAN-AD.COM PAUL@BEEGAN-AD.COM

project no. 21-064

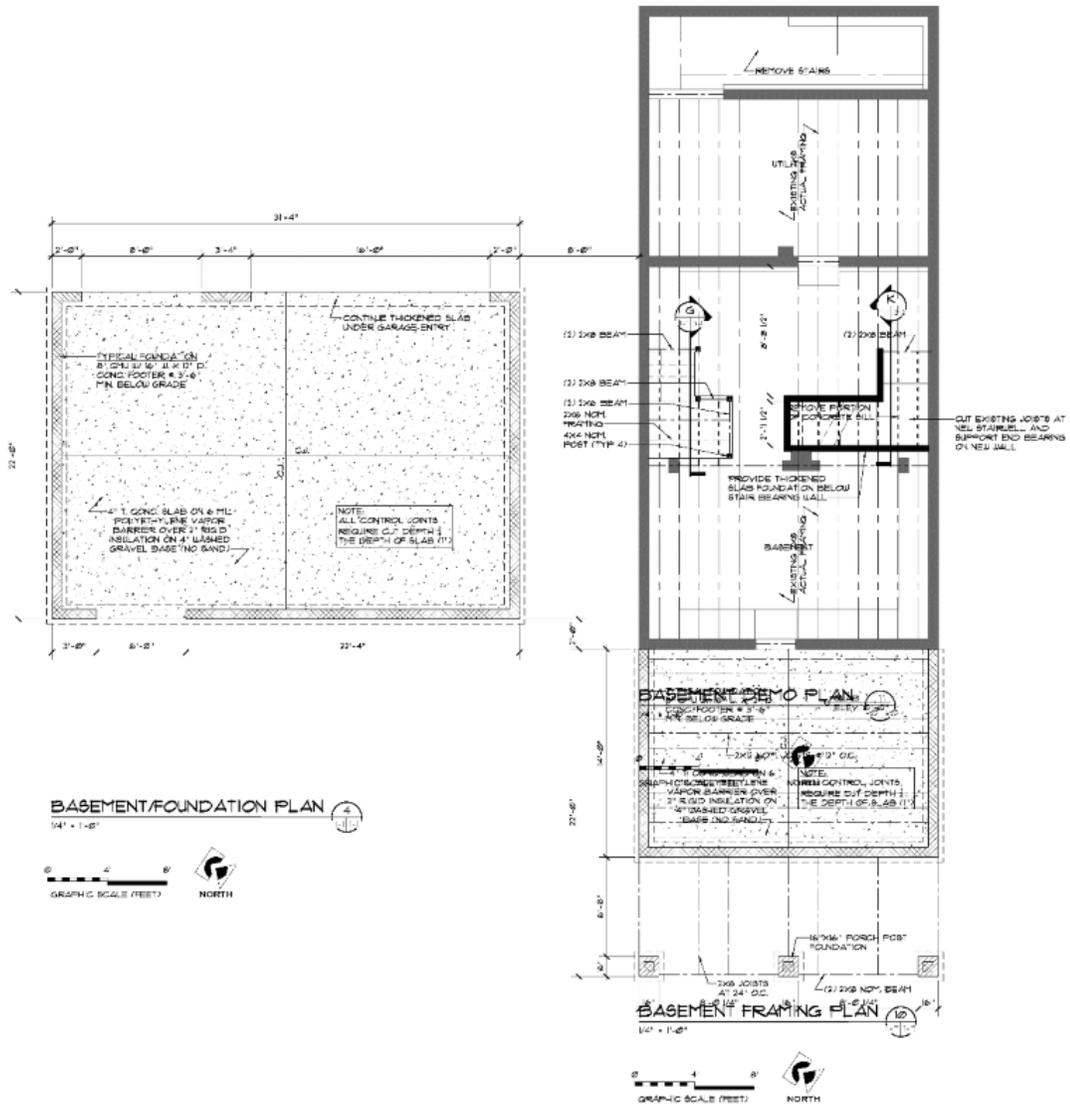
O'Reilly-Sieg Residence
Residential Renovations
& New Out Building

2117 west 33rd street
cleveland, ohio 44113

General Notes
& Architectural Site Plan

A0

ISSUE	DATE	DESCRIPTION
1	04.21.22	zoning review
2	8.12.22	BZA Hearing



PAUL R. BEEGAN, LICENSE #12574
EXPIRATION DATE: 12.31.2023

BEEGAN

ARCHITECTURAL DESIGN

15703 MADISON AVENUE
LAKENODE, OHIO 44107
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216.521.9000 PHONE
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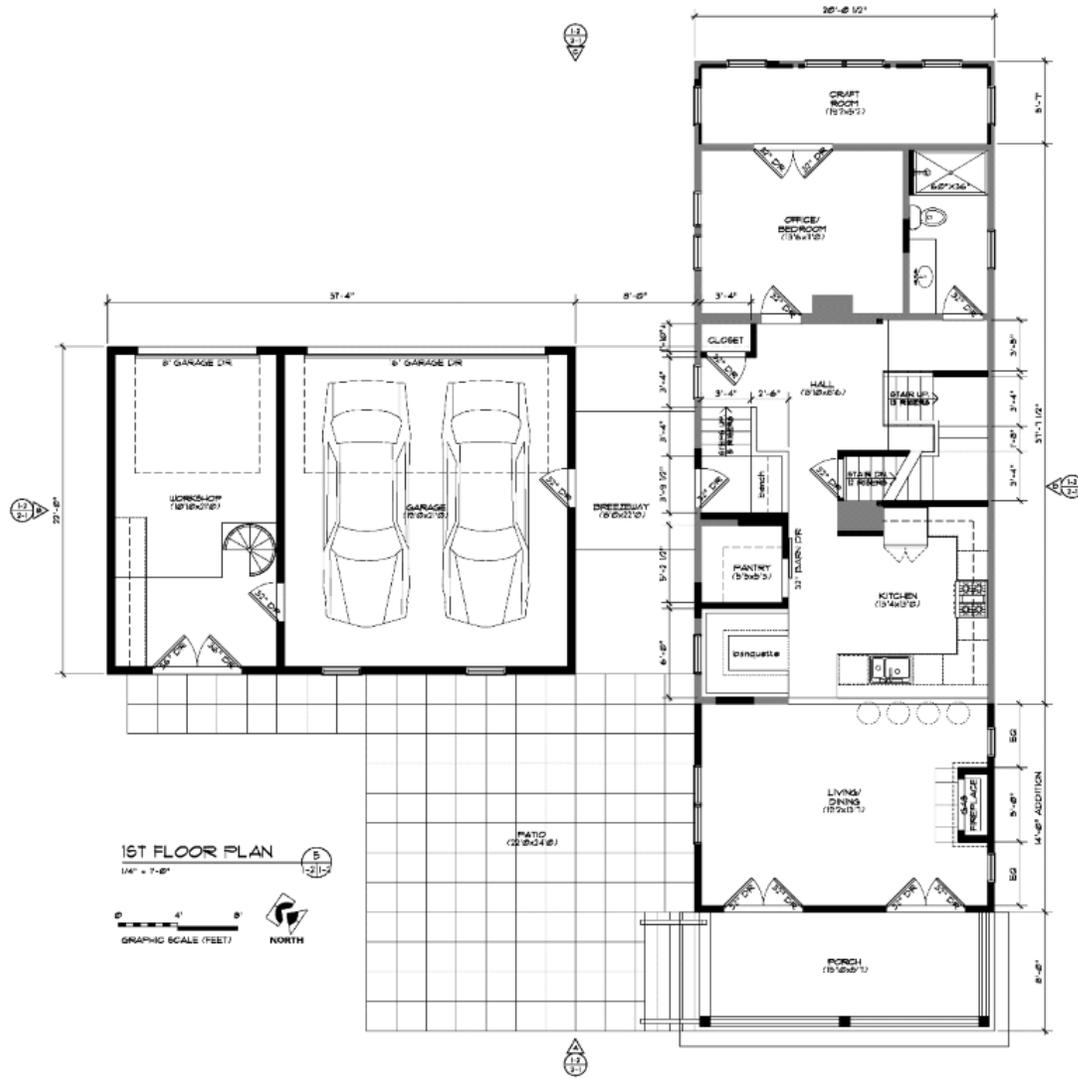
project no. 21-064

O'Reilly-Sieg Residence Residential Renovations & New Out Building

2117 west 33rd street
cleveland, ohio 44113

Basement & Foundation Plans

A1



ISSUE	DATE	DESCRIPTION
1	04.21.22	zoning review
2	8.12.22	BZA Hearing



PAUL R. BEEGAN, LICENSE #12574
 EXPIRATION DATE: 12.31.2023

BEEGAN

ARCHITECTURAL DESIGN

15703 MADISON AVENUE
 LAKEWOOD, OHIO 44107
 WWW.BEEGAN-AD.COM

216.521.9000 PHONE
 216.916.4591 FAX
 PAUL.BEEGAN-AD.COM

project no. 21-054

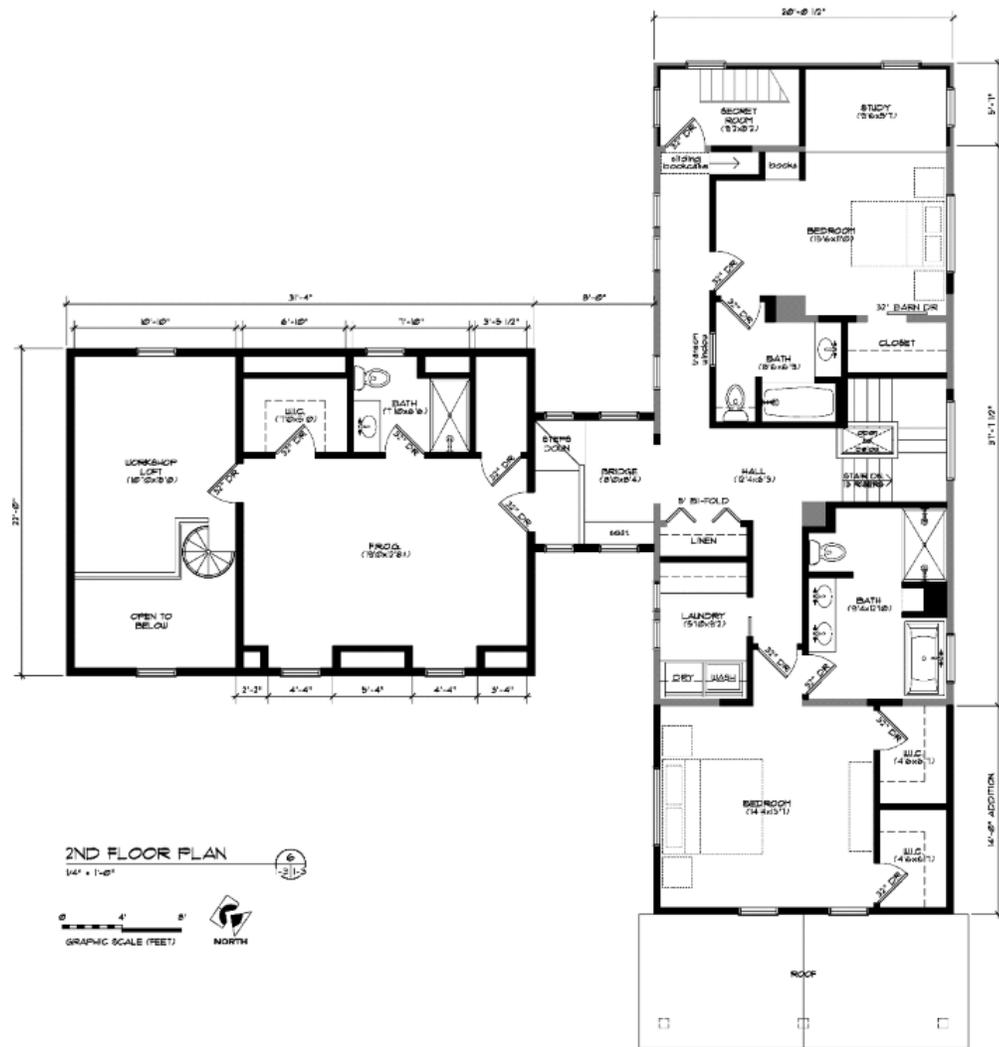
O'Reilly-Sieg Residence Residential Renovations & New Out Building

2117 west 33rd street
 cleveland, ohio 44113

1st Floor Plan

A2

ISSUE	DATE	DESCRIPTION
1	04.21.22	zoning review
2	8.12.22	BZA Hearing



2ND FLOOR PLAN
1/4" = 1'-0"

GRAPHIC SCALE (FEET)

NORTH



BEEGAN
ARCHITECTURAL DESIGN

15703 MADISON AVENUE
LAKEROOD, OHIO 44107
WWW.BEEGAN-AD.COM

216.521.9000 PHONE
216.916.4591 FAX
PAUL.BEEGAN@AD.COM

project no. 21-054

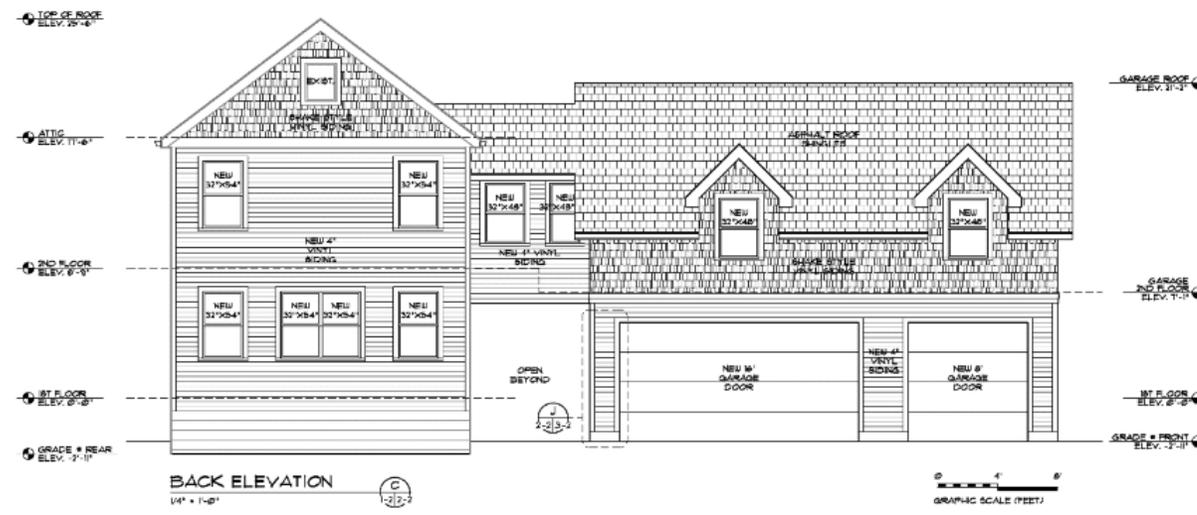
**O'Reilly-Sieg Residence
Residential Renovations
& New Out Building**

2117 west 33rd street
cleveland, ohio 44113

2nd Floor Plan

A3

ISSUE	DATE	DESCRIPTION
1	04.21.22	zoning review
2	8.12.22	BZA Hearing



PAUL R. BEEGAN, LICENSE #12574
EXPIRATION DATE: 12.31.2023

BEEGAN

ARCHITECTURAL DESIGN

15703 MADISON AVENUE
LAKESIDE, OHIO 44107
WWW.BEEGAN-AD.COM

216.521.9000 PHONE
216.916.4591 FAX
PAUL.BEEGAN@AD.COM

project no. 21-054

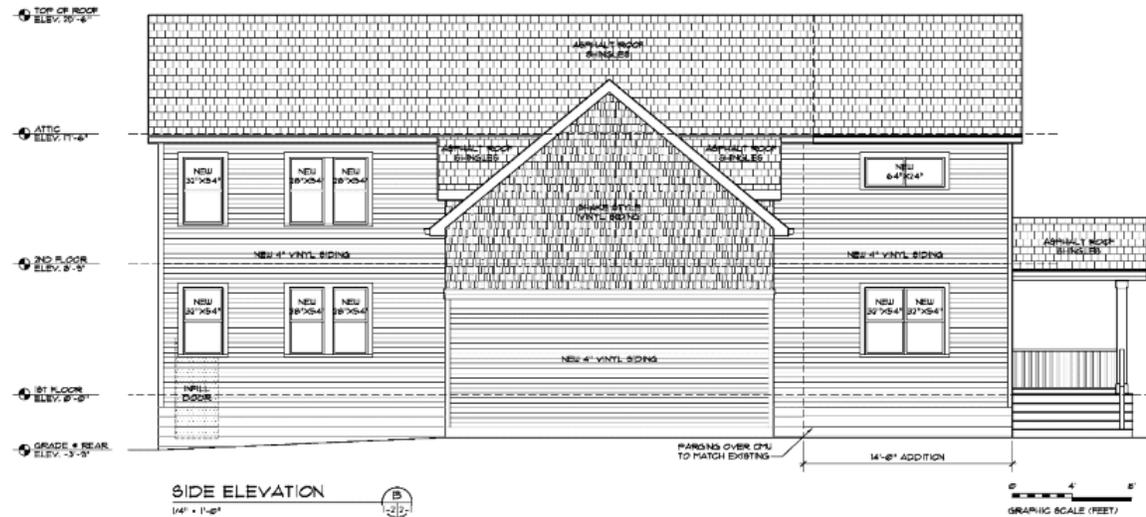
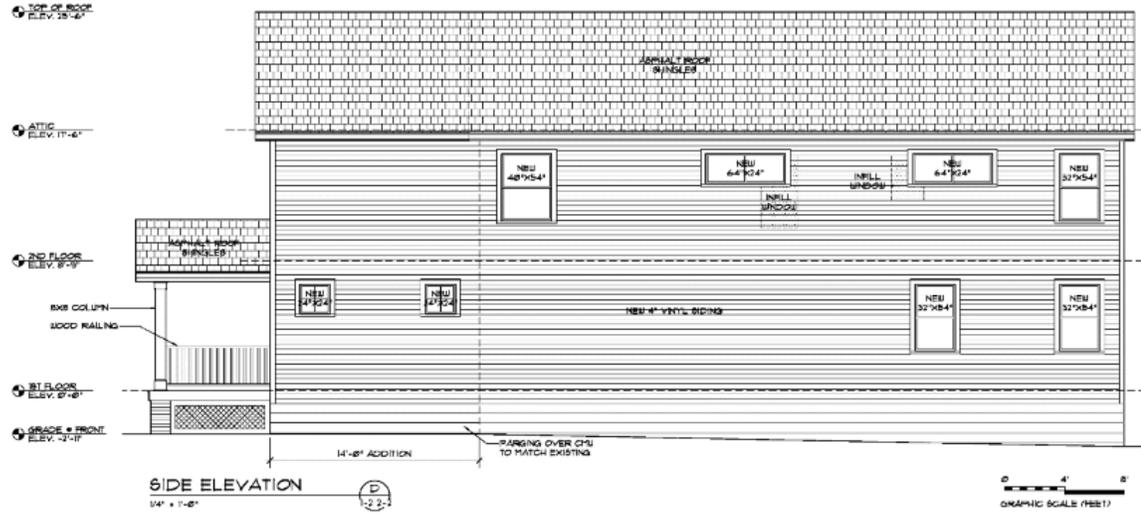
O'Reilly-Sieg Residence Residential Renovations & New Out Building

2117 west 33rd street
cleveland, ohio 44113

Architectural Elevations

A4

ISSUE	DATE	DESCRIPTION
1	04.21.22	zoning review
2	8.12.22	BZA Hearing



PAUL R. BEEGAN LICENSE #12574
EXPIRATION DATE: 12.31.2023

BEEGAN

ARCHITECTURAL DESIGN

15703 MADISON AVENUE
LAKEWOOD, OHIO 44107
WWW.BEEGAN-AD.COM

216.521.9000 PHONE
216.916.4591 FAX
PAUL@BEEGAN-AD.COM

project no. 21-064

O'Reilly-Sieg Residence Residential Renovations & New Out Building

2117 west 33rd street
cleveland, ohio 44113

Architectural Elevations

A5

Public Hearing



Calendar No. 22-142:

3605-07 Denison Avenue.

Ward 12

Elena Bedea, proposes to establish use as Residential Facility for five occupants in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Codified Ordinances:

1. Section 325.571 which states "Residential facility" means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one (1) or two (2) unrelated persons with mental illness; (b) one (1) or two (2) unrelated adults who are receiving residential state supplement payments as defined in Ohio Revised Code; or (c) three (3) to sixteen (16) unrelated adults.
2. Section 337.03(h) which states that a residential facility, as defined in Chapter 325 of this Zoning Code, for one (1) to five (5) unrelated persons, is not permitted if located less than one thousand (1,000) feet from another residential facility. Proposed Residential Facility use is within one thousand (1,000) feet from another Residential Facility at 3611 Denison Avenue.



Public Hearing

Calendar No. 22-142:

3605-07 Denison Avenue.

Ward 12



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

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**Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.**



HISTORY OF THE PROPERTY





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting a use variance and an area variance from the minimum distance regulations of the zoning code.

To obtain the use variance, Appellant must prove that denying the request:

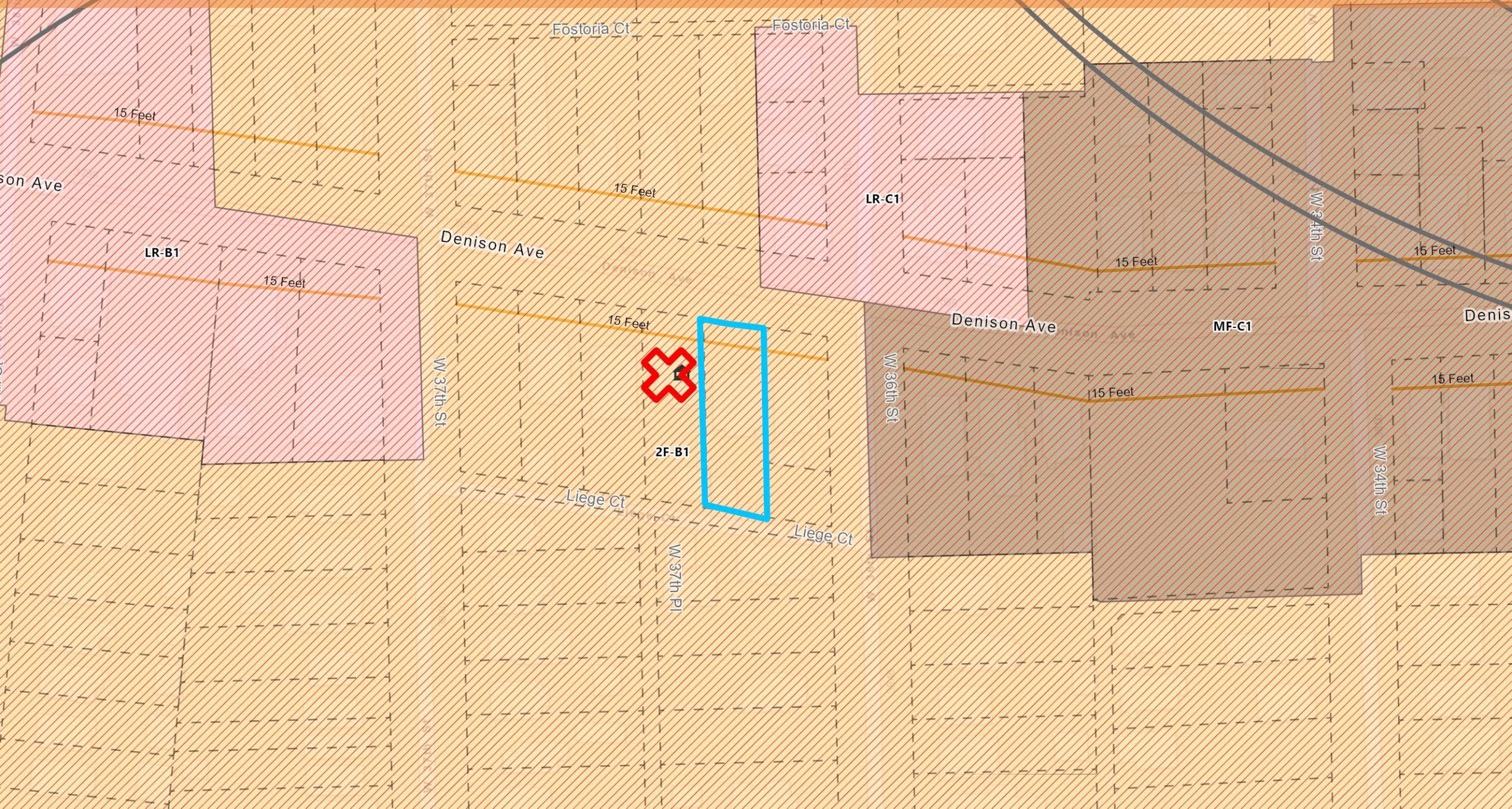
1. Will result in an **unnecessary hardship** particular to the property such that there will be no economically feasible use of the property without the variance;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.

To obtain the area variance, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.





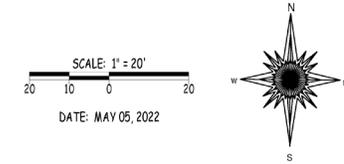


PLAT OF CONSOLIDATION

PREPARED FOR

ELENA BADEA

SITUATED IN THE CITY OF CLEVELAND, COUNTY OF CUYAHOGA AND STATE OF OHIO AND KNOW AS BEING ALL OF SUB-LOT NO. 17 IN THE ALCOTT ALLOTMENT OF PART OF ORIGINAL BROOKLYN TOWNSHIP LOT NO. 56, AS SHOWN BY THE RECORDED PLAT IN VOLUME 13 OF MAPS, PAGE 44 OF CUYAHOGA COUNTY RECORDS.



THIS PLAT WAS PREPARED FROM A FIELD SURVEY DONE UNDER MY DIRECTION AND CONFORMS TO THE MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO (OAC 4733-37). ALL IRON PINS SET BEAR CAPS INSCRIBED "D.J.B. PS 6939". BEARINGS SHOWN HEREON ARE TO AN ASSUMED MERIDIAN AND ARE INTENDED TO DENOTE ANGLES ONLY. DISTANCES ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF. ALL OF WHICH I ACKNOWLEDGE TO BE CORRECT.

DAVID J. BRUCKNER, P.S.
REGISTERED OHIO PROFESSIONAL
SURVEYOR NO. 6939



DAVID J. BRUCKNER
4270 WEST 182ND ST.
CLEVELAND, OHIO 44135
216-941-0720

OWNERS ACCEPTANCE:

I, THE UNDERSIGNED OWNER OF THE LAND SHOWN HEREON, DO HEREBY ACCEPT THIS PLAT AND CONSOLIDATION OF THE SAME.

ELENA BADEA

NOTARY:

STATE OF OHIO
COUNTY OF CUYAHOGA } S.S.

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED OWNER WHO ACKNOWLEDGED THAT SHE DID SIGN THE FOREGOING INSTRUMENT AND THAT IT WAS HER OWN FREE ACT AND DEED.

IN WITNESS WHEREOF I HAVE HEREONTO SET MY HAND AND OFFICIAL SEAL AT _____ OHIO THIS _____ DAY OF _____, 2022.

NOTARY PUBLIC

MY COMMISSION EXPIRES

APPROVALS:

THIS PLAT AND CONSOLIDATION IS ACCEPTED AND APPROVED BY THE PLATTING COMMISSIONER OF THE CITY OF CLEVELAND, OHIO.

THIS _____ DAY OF _____, 2022.

THIS PLAT AND CONSOLIDATION IS ACCEPTED AND APPROVED BY THE PLANNING DIRECTOR OF THE CITY OF CLEVELAND, OHIO.

THIS _____ DAY OF _____, 2022.

RICHARD SWITALSKI, PLATTING COMMISSIONER

JOYCE PAN HUANG, PLANNING DIRECTOR

LEGEND:

- bd. = DEED
- Frd. = FOUND
- Rec. = RECORD
- Obs. = OBSERVED
- Calc. = CALCULATED
- S/L = SUB-LOT
- I.P. = IRON PIN
- D.H. = DRILL HOLE
- Mon. = MONUMENT
- sq. = SURVEY MONUMENT
- C.S.R. = CITY SURVEY RECORDS
- A.F.N. = AUTOMATIC FILE NUMBER
- P.P.N. = PERMANENT PARCEL NUMBER

DOCUMENTS OF RECORD:

P.P.N.: 014-02-001
NOEL CONTRERAS
A.F.N.: 202204060419

P.P.N.: 014-02-002 & 003
ELENA BADEA
A.F.N.: 201307120805

P.P.N.: 014-02-004
ELENA BADEA
A.F.N.: 201103310059

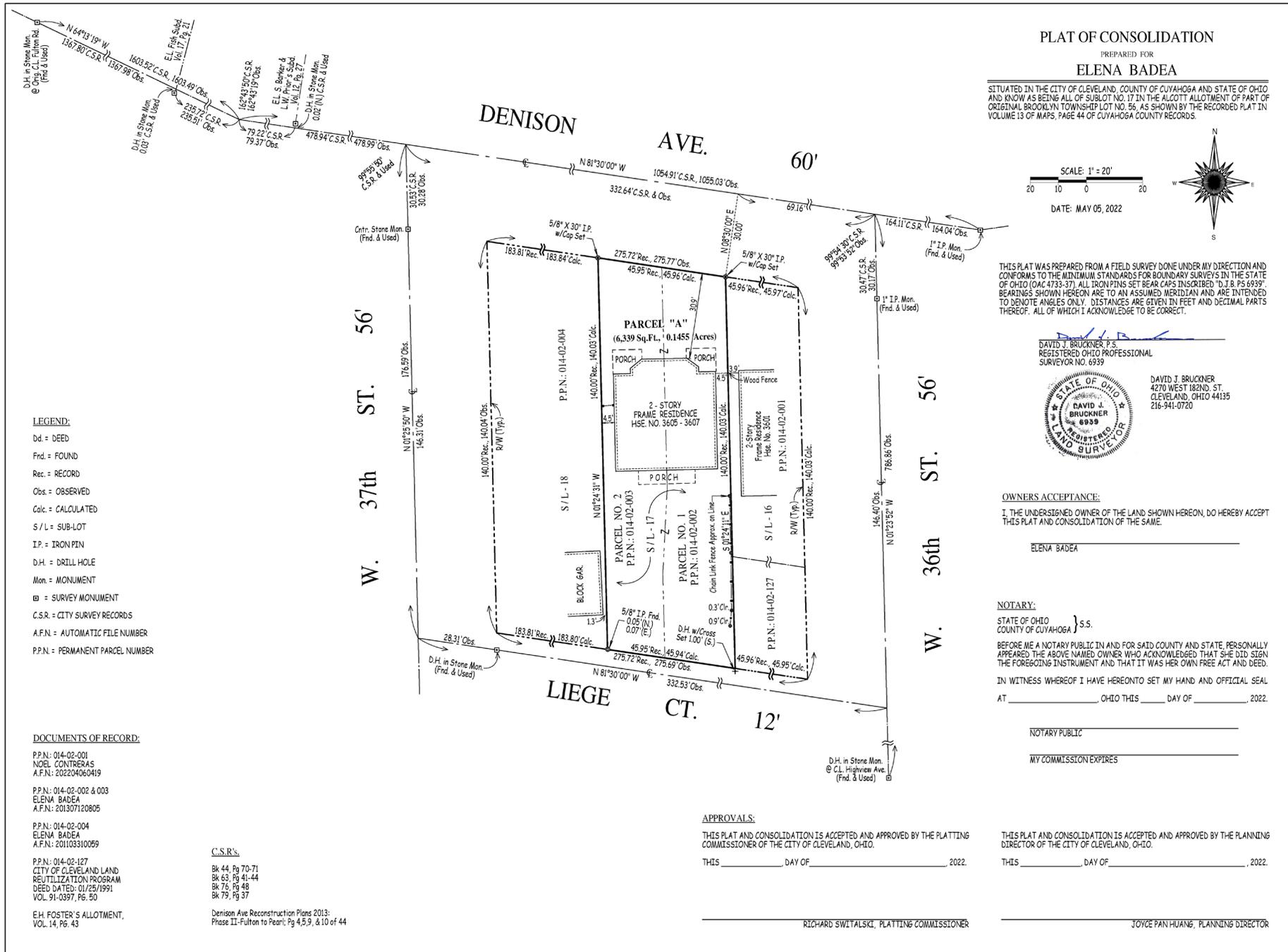
P.P.N.: 014-02-127
CITY OF CLEVELAND LAND
REUTILIZATION PROGRAM
DEED DATED: 01/25/1991
VOL. 91-0397, PG. 50

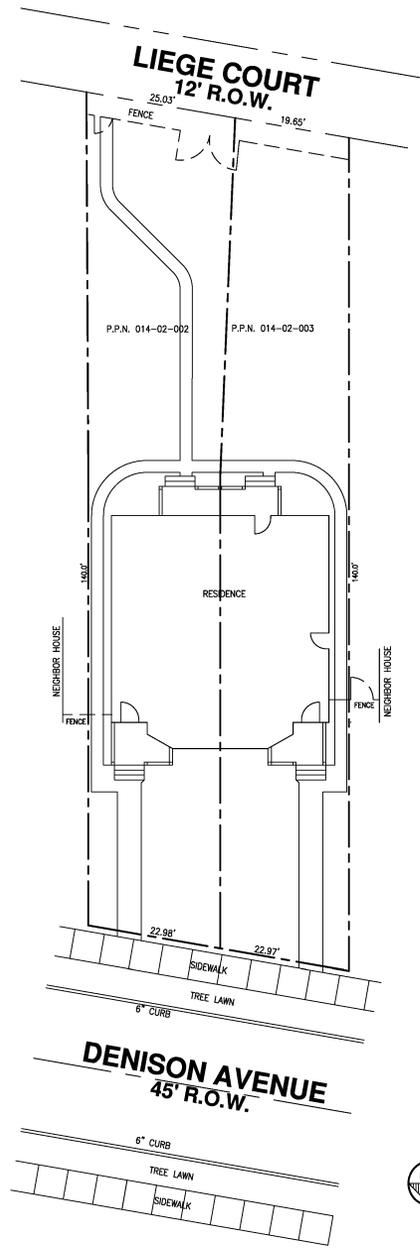
E.H. FOSTER'S ALLOTMENT,
VOL. 14, PG. 43

C.S.R.s:

Bk 44, Pg 70-71
Bk 63, Pg 41-44
Bk 76, Pg 48
Bk 79, Pg 37

Denison Ave Reconstruction Plans 2013:
Phase II-Fulton to Pearl; Pg 4,5,9, & 10 of 44





SITE PLAN
SCALE 1" = 10'-0"

DRAWING INDEX

- CVR COVER SHEET - SITE PLAN, DRAWING INDEX**
- A1.1 BASEMENT LEVEL PLAN**
- FIRST FLOOR PLAN**
- A2.1 SECOND FLOOR PLAN**
- ATTIC PLAN**

SQUARE FOOTAGE:

BASEMENT:	979 SQ. FT.
FIRST FLOOR:	1,362 SQ. FT.
SECOND FLOOR:	1,261 SQ. FT.
TOTAL:	3,602 SQ. FT.

REVISIONS

craig m. dixon
& associates
architects



28871 center ridge road
suite # 102
westlake, ohio 44145
telephone: 440-938-6555
fax: 440-938-7445

**COVER SHEET - SITE PLAN,
DRAWING INDEX**

**DENISON HOME CARE
ADULT CARE FACILITY**
3605, 3607 DENISON AVENUE
CLEVELAND, OHIO

DATE	2-3-22
SCALE:	AS NOTED
DRAWN BY:	JP
JOB No.	2206



CRAIG M. DIXON, LICENSE #7282
EXPIRATION DATE: 12/31/2021

CVR

REVISIONS

craig m. dixon
& associates
architects



28871 center edge road
suite #102
westlake, ohio 44145
telephone: 440-808-5555
fax: 440-808-9445

FIRST AND SECOND FLOOR PLANS

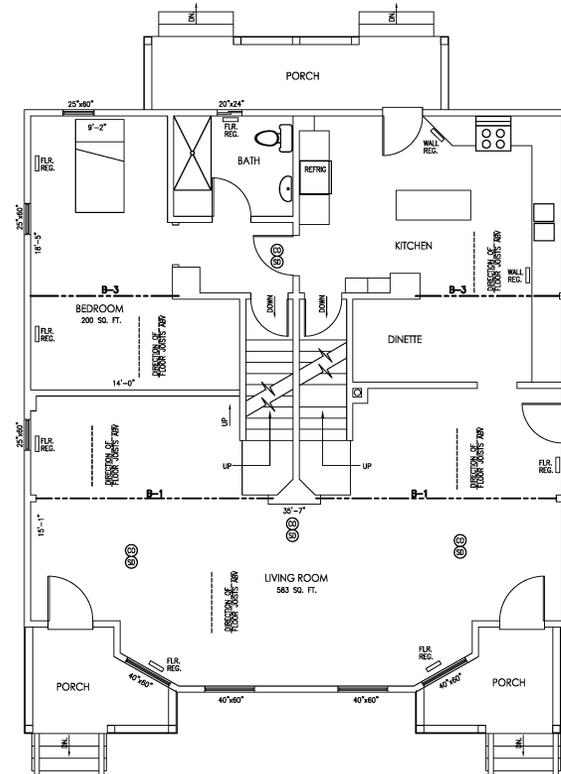
DENISON HOME CARE
ADULT CARE FACILITY
3605, 3607 DENISON AVENUE
CLEVELAND, OHIO

DATE: 2-3-22
SCALE: AS NOTED
DRAWN BY: JP
JOB No. 2206

A1.1

LABEL	DESIGN	FREE SPAN	SPAN CARRIED	BEAM SIZE	BEAM WIDTH	END REACTION	POST SIZE
B-1	LP-LVL-2900Fb-2.OE	15'-8"	24'-5"	14"	5 1/4"	5260#	DOUBLE 2"x6"
B-2	LP-LVL-2900Fb-2.OE	12'-7"	23'-4"	11 7/8"	5 1/4"	2570#	DOUBLE 2"x6"
B-3	LP-LVL-2650Fb-1.9E	9'-6"	25'-3"	9 1/4"	3 1/2"	3298#	DOUBLE 2"x4"

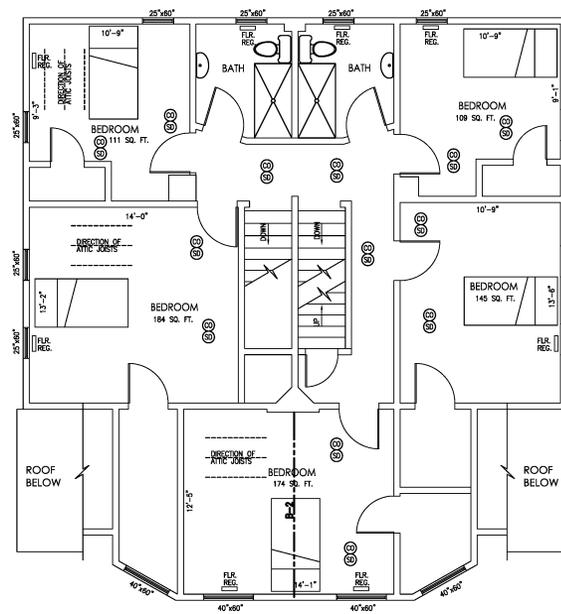
NOTE:
POSTS SHALL BE LATERNALLY STABILIZED THEIR FULL LENGTH ON ONE SIDE BY SECURING TO THE EXISTING STUDS OR MASONRY
LVL'S SHALL BE JOINED TOGETHER FOLLOWING MANUFACTURERS GUIDELINES
DESIGN LOADS ARE 40 PSF FLOOR, 20 PSF ATTIC,
EXISTING FLOOR JOISTS ARE 2"x8" @ 16" CENTERS
EXISTING ATTIC JOISTS ARE 2"x4" @ 16" CENTERS
EXISTING FRAMING UNLESS THE NEW POSTS HAVE BEEN FIELD VERIFIED TO BE ADEQUATE TO CARRY THE NEW LOADING



FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"

SYMBOL LEGEND

- ⊙ DUAL SMOKE DETECTOR
- ⊙ CARBON MONOXIDE DETECTOR
- ⊙ IONIZATION & PHOTOELECTRIC



SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"



CRAIG M. DIXON, LICENSE #7282
EXPIRATION DATE: 12/31/2021

Public Hearing

Calendar No. 22-143:

3360 West 86 St.

Ward 14



Jolynn Isaac, owner, proposes to install solid, 5 ½ foot tall fence in side street yard of a parcel located in a B1 Two-Family Residential District. The owner appeals for relief from the following section of the Cleveland Codified Ordinances:

1. Section 358.04 (a) which states that fences in actual side street yards shall not exceed four (4) feet in height and shall be at least fifty percent (50%) open, except that, in an actual side street yard, a fence that is set back at least four (4) feet from the side street property line may be a maximum of six (6) feet in height and may be open or solid. Proposed solid, 5 ½-foot high fence to be 18 inches from side street property line. (Filed July 28, 2022)



Public Hearing

Calendar No. 22-143:

3360 West 86 St.

Ward 14



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

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IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

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Madam Chair, Members of the Board, Appellant is requesting area variances from the fencing regulations of the zoning code.

To obtain the area variances, Appellant must prove that denying the request:

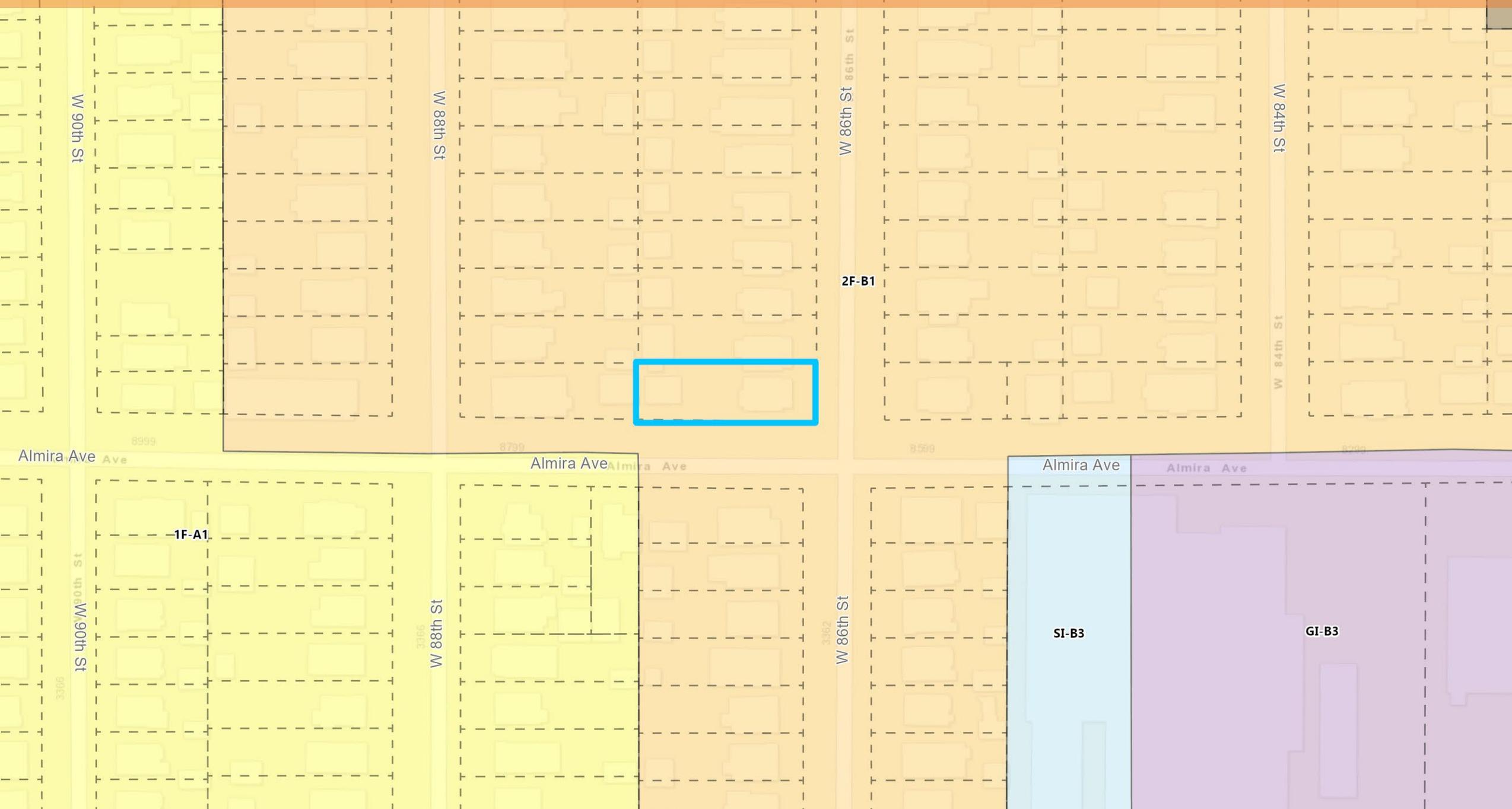
1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variances will not be contrary to the purpose and intent of the zoning code.



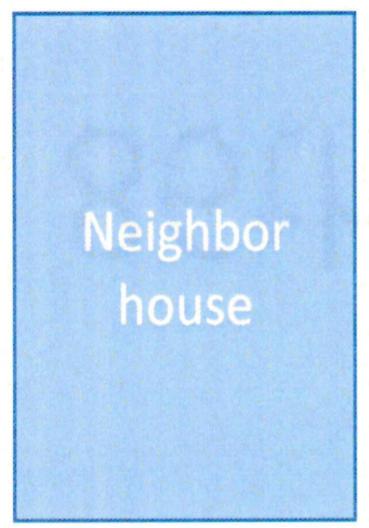
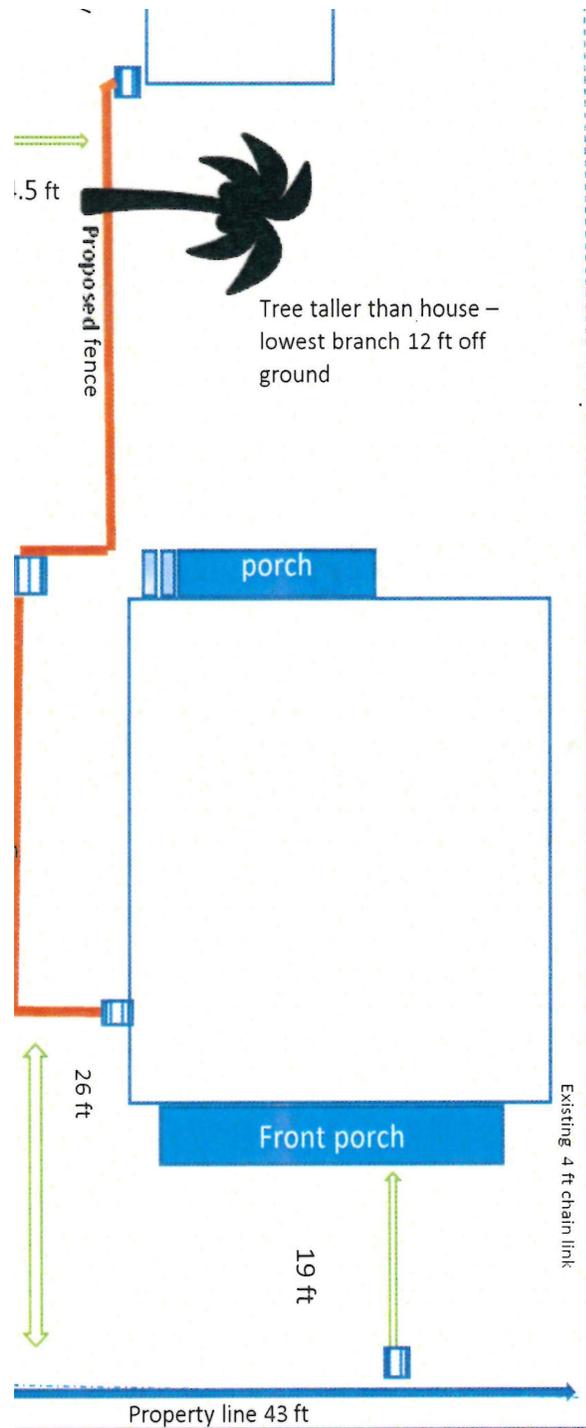


Almira Avenue

26th Street



whereas back yard is 4.5 feet from property line



RECEIVED
 JUL 28 2022
 BOARD OF ZONING APPEALS

Public Hearing

Calendar No. 22-123

12101 Union Avenue.

Ward 4



Union Social Center, proposes to change use from hair salon to multi-purpose center for classes and assembly use in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 359.01(a) which states the proposed use is not permitted in Two Family Residential District. A use of building or land for which a permit has been lawfully issued, may be continued even though such use does not conform to the provisions of this Zoning Code for the use district in which it is located, but no enlargement or expansion shall be permitted except as a variance under the terms of Chapter 329, and no substitution or other change in such nonconforming use to other than a conforming use shall be permitted except by special permit from the Board of Zoning Appeals. Such special permit may be issued only if the Board finds after public hearing that such substitution or other change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or to be attracted to the premises or in any other characteristic of the new use as compared with the previous use.



Public Hearing

Calendar No. 22-123

12101 Union Avenue.

Ward 4



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

**Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.**



HISTORY OF THE PROPERTY



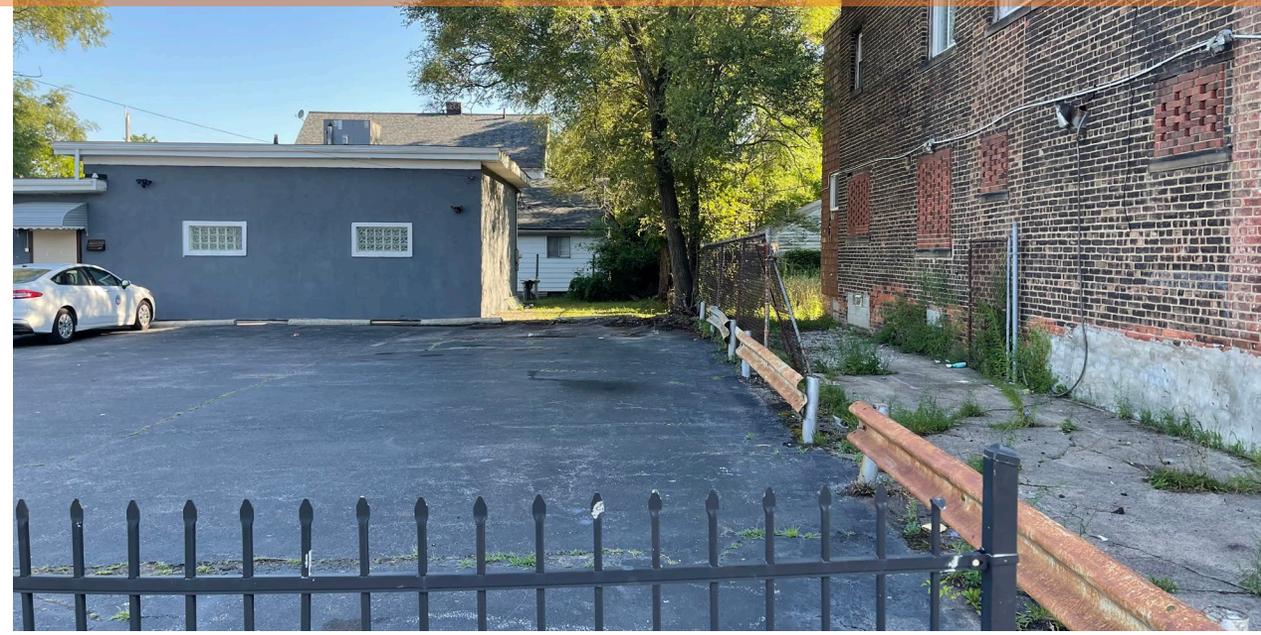
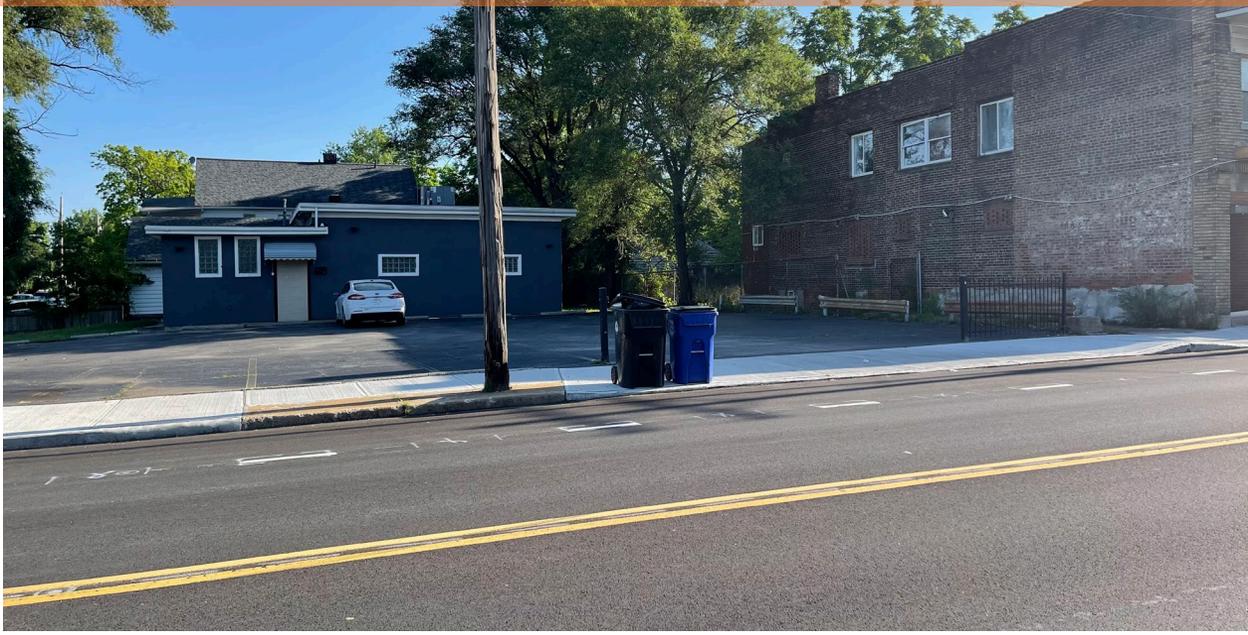


LEGAL STANDARD

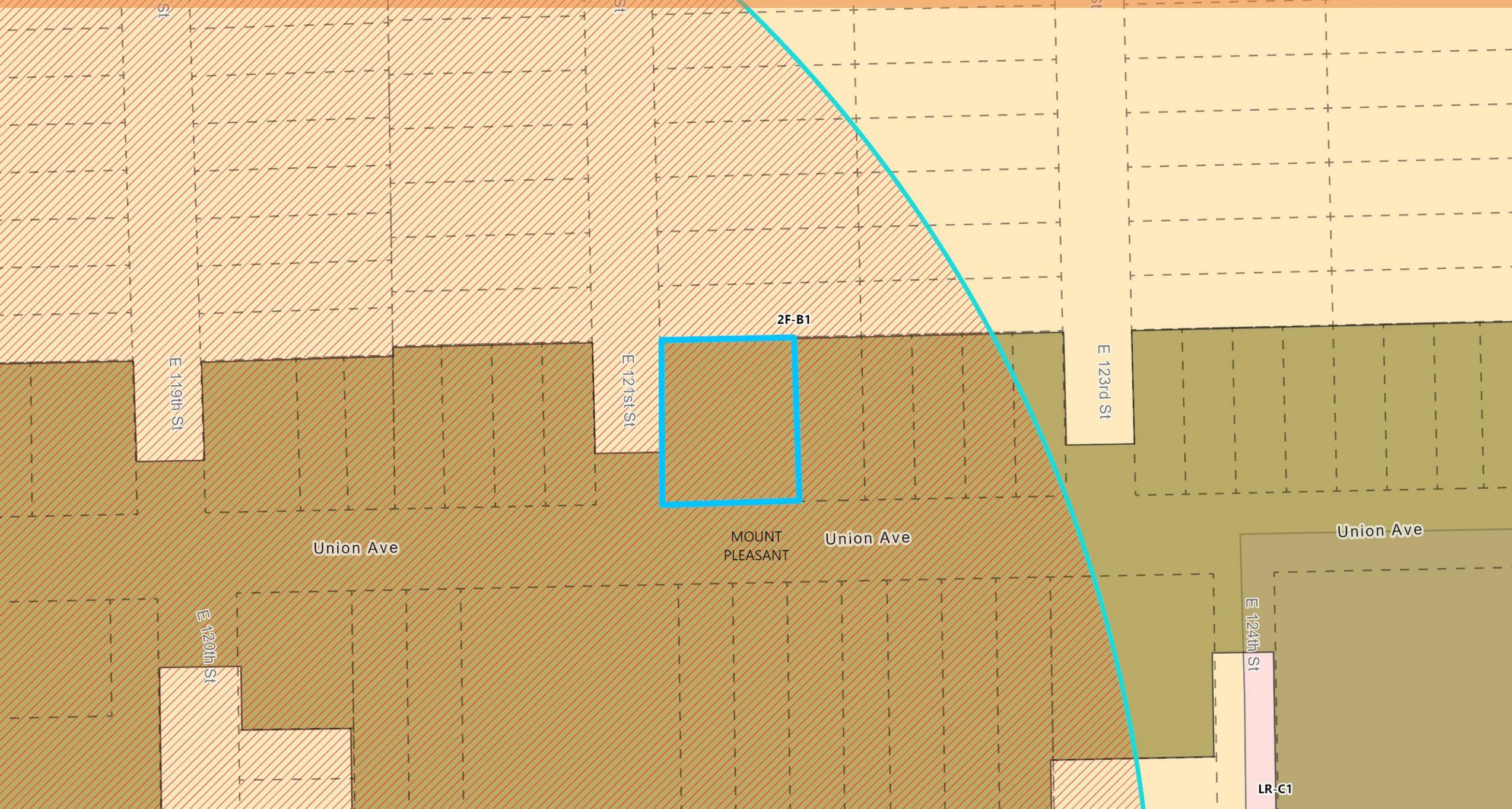
Madam Chair, Members of the Board, Appellant is requesting a use variance from the regulations of the zoning code.

To obtain the use variance, Appellant must prove that denying the request:

1. Will result in an **unnecessary hardship** particular to the property such that there will be no economically feasible use of the property without the variance;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.







2F-B1

St

E 119th St

St

E 121st St

St

E 123rd St

E 120th St

E 124th St

Union Ave

MOUNT PLEASANT

Union Ave

Union Ave

LR-C1

FLOOR LIVE LOAD = 100 PSF
 WIND LIVE LOAD = 90 MPH BASIC WIND SPEED
 ROOF LIVE LOAD = 30 PSF

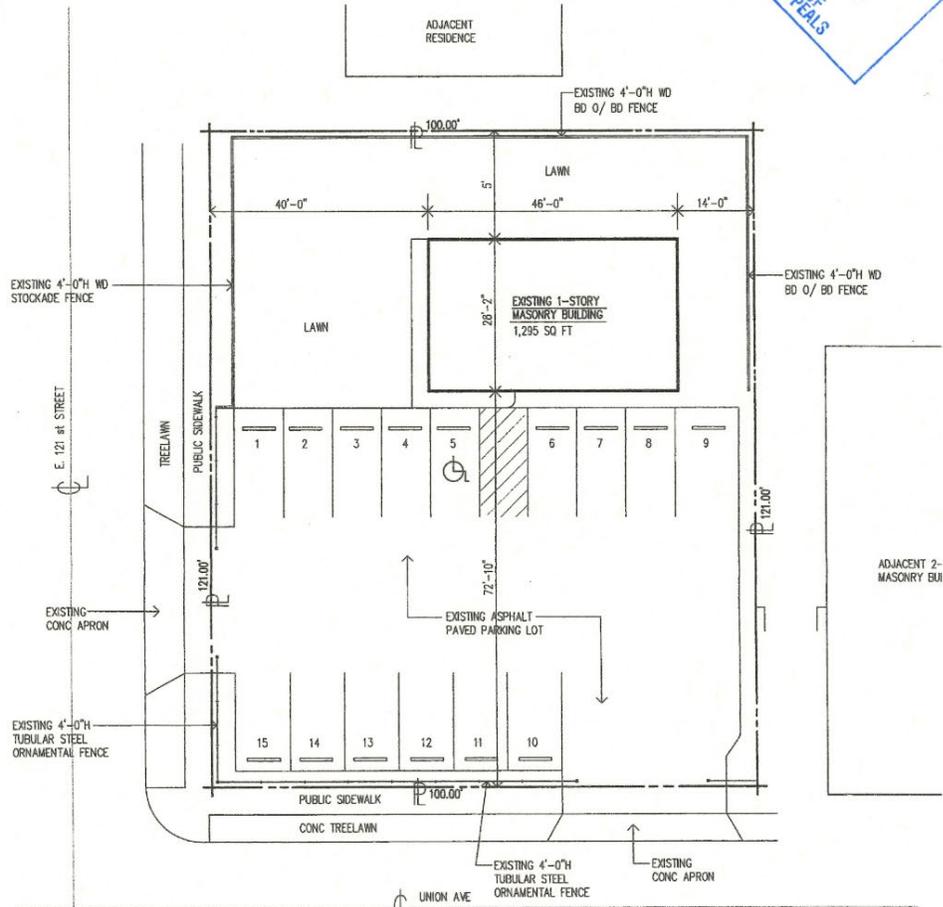
BUILDING CODE CLASSIFICATION

CONSTRUCTION CLASS = III b
 USE GROUP CLASS = M (Mercantile)

Any new alterations to this existing structure shall be designed in accordance with the 2011 Ohio Bldg Code & Revisions.

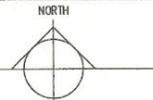
TRIBE ARCHITECTS

ARCHITECTURE & VILLAGE PLANNING
 DARYL E. MAPSON
 CLEVELAND , OHIO
 216-738-1320

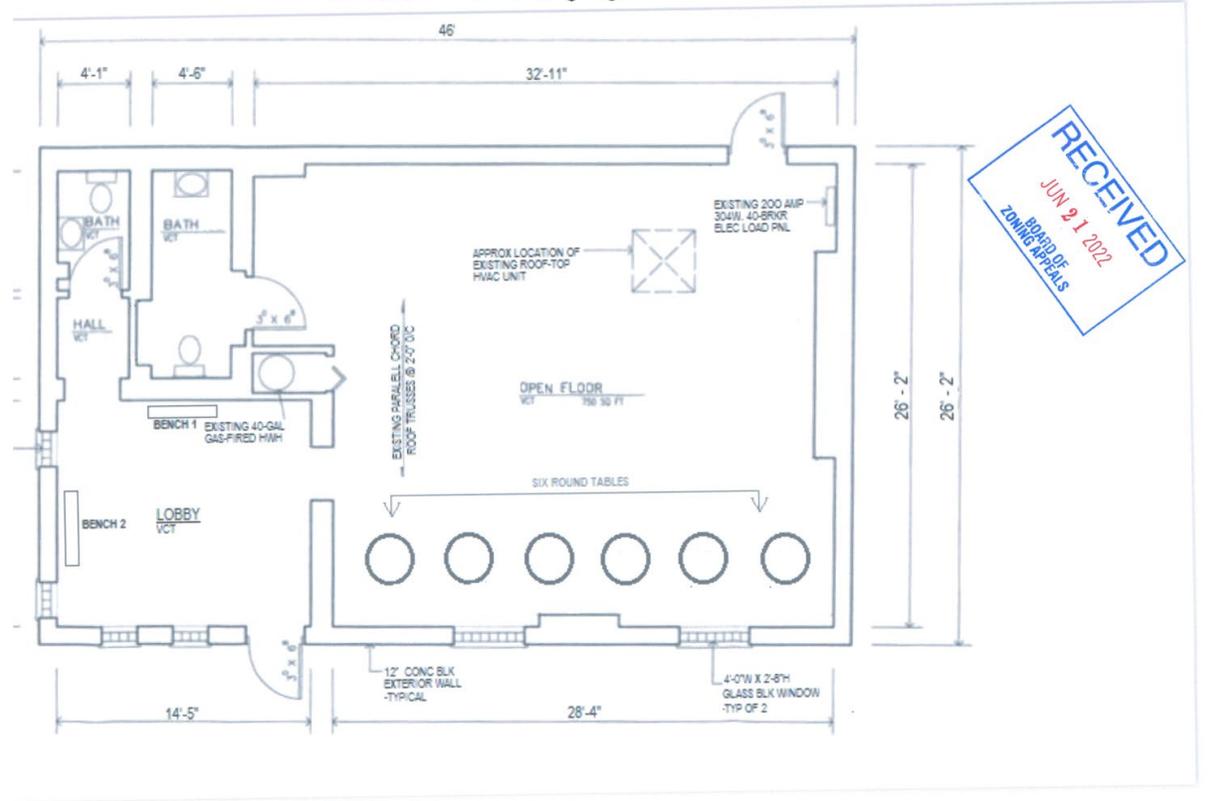


SITE PLAN

1/8" = 1'-0"



B2A22-00123



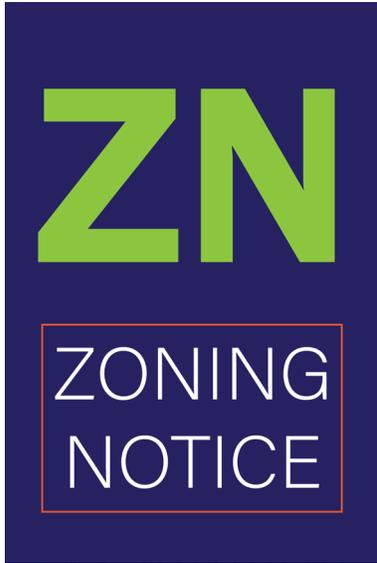
B2A22-00123

Cleveland Board of Zoning Appeals

Old Business



New Board of Zoning Appeals Yard Signs



CASE NUMBER:
ADDRESS:
DESCRIPTION:
HEARING DATE/TIME:
LOCATION:



cleveland
city planning
commission
216-664-2580

<https://planning.clevelandohio.gov/bza/cpc>



Public Hearing



1. Cal. No. 22-126:	John's Hot Dog's.	(KB,AF,MB,TB,NH)
2. Cal. No. 22-131:	1514 Mayview Ave.	(KB, AF,MB,TB,NH)
3. Cal. No. 22-135:	6016 St. Clair Ave.(Rear)	(KB,AF, MB,TB,NH)
4. Cal. No. 22-137:	6016 St. Clair Ave.(Front)	(KB,AF,MB,TB,NH)
5. Cal. No. 22-111:	2525 Thurman Ave.	(KB,AF, MB, TB, NH)
6. Cal. No. 22-124:	7032 Hough Ave.	(KB, MB, TB, NH) *
7. Cal. No. 22-096:	793 Starweather Ave.	(KB, AF, MB, TB, NH)
8. Cal. No. 22-125:	925 Spring Rd.	(KB, AF, MB, TB, NH)
9. Cal. No. 22-127:	4297 W 146 th St.	(KB, AF, MB, TB, NH)
10. Cal. No. 22-128:	Public works/3858 Superior	(KB,AF,MB,TB,NH)
11. Cal. No. 22-054:	2304 Broadview Rd.	(KB, TB, AF, MB, NH) *
12. Cal. No. 22-050:	1770 W. 57 St.	(KB, TB, AF, MB)*
13. Cal. No. 22-035:	5807 Detroit Ave.	(KB,TB,AF, MB)*** req. rules.
14. Cal. No. 22-022:	1010 E. 146 St.	(KB, TB, AF, MB)*
15. Cal. No. 22-014:	1250 Riverbed St.	(KB, TB, AF, MB)*
16. Cal. No. 22-008:	1269 W. 76 Street	(KB,TB, AF, MB)
17. Cal. No. 21-203:	8502 Hough Ave.	(KB, TB, AF, MB)*
18. Cal. No. 21-206:	4533 Warner Rd	(KB, TB, AF, MB)*
19. Cal. No. 21-177:	18403 Euclid Ave.	(KB, TB, MB, AF)*
20. Cal. No. 21-141:	7202 Hague Ave.	(KB, TB, AF, MB)*
21. Cal. No. 21-091:	4157 Lorain Ave.	(D,KB,AF,MB)*
22. Cal. No. 21-006:	9501 Pierpoint Ave.	(J,D,KB,AF,MB)* ^{5/3/21}
23. Cal. No. 20-098:	1854 W. 48 th Street	(J,D,KB,AF,MB)* ^{8/24/2020} (lot cons)

AFFIRMATION: None.

REQUESTS FOR RE-STATEMENT: NONE

MISC-

- ~ Items received
- * Pending the receipt of requested information by the Board.
- *** Request for Rehearing/Reconsideration.

Cleveland Board of Zoning Appeals

Adjournment

